

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action of January 7, 2005, in which the Examiner rejected claims 18-28 and 38-44 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent App. No. 2002/0095333 ("**Jokinen**") and required a new title.

Applicants have not amended the Title of the Invention. An amended title was provided in the previous response (dated 9/27/04) and such amended title is believed descriptive. Applicants are uncertain as to how to make the title more descriptive without exceeding the permitted title length. It is respectfully requested that the Examiner clarify this objection and provide guidance as to the changes needed, so that Applicants may make efforts to comply.

Applicants have amended claim 18 in order to more specifically recite the location of the facility communication system (as being "within a commercial establishment") and that the system operates "when the user enters the commercial establishment". **Jokinen** discloses a wireless system, such as a cellular telephone system, for sending advertising messages to users of telephones and at telephone locations known to the system (such as through use of locations stored in a database 35). However, **Jokinen** does not show a system such as Applicants (having the various features recited in claim 18) that is resident "within a commercial establishment" and that is designed to operate by "recognizing the presence of the personal wireless device when the user enters the commercial establishment," as recited in claim 18. Further, **Jokinen** does not show such a system which operates to send "user specific information from the personal wireless device to the facility communication system," as also recited in claim 18.

Thus claim 18, claims 19 - 28 and 38 - 42 (which all depend from claim 1 and recite further limitations), independent claim 43 (which recites limitations similar to those in claim 1), and claim 44 (which depends from claim 43) are all believed distinguishable from **Jokinen**.

Appl. No. 09/812,036
Amdt. dated March 7, 2005
Amendment under 37 CFR 1.116 Expedited Procedure -
Examining Group 2143

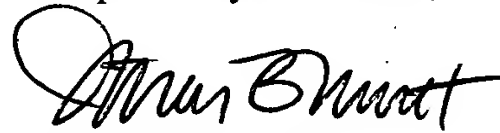
PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Stephen F. Jewett
Reg. No. 27,565

Date: March 7, 2005

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
SFJ:bhr
60415112 v1